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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
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		First Named Inventor Fernando Incertis Carro	
		Art Unit 2176	Examiner Quoc A. Tran
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the		 Signature	
<input type="checkbox"/> applicant/inventor		<hr/>	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)		<hr/>	
<input checked="" type="checkbox"/> attorney or agent of record Registration number <u>36,597</u>		<hr/> Telephone number <u>(203) 255-6560</u>	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34 Registration number if acting under 37 CFR 1.34 _____		<hr/> Date <u>October 31, 2007</u>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.</p>			
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

5 Applicant(s): Carro et al.
Docket No.: FR20000015US2
Serial No.: 10/786,201
Filing Date: February 25, 2004
Group: 2176
10 Examiner: Quoc A. Tran

Title: Method and System for Accessing Interactive Multimedia Information or
Services by Touching Marked Items on Physical Documents

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**MEMORANDUM IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

20 The present invention and prior art have been summarized in Applicants'
prior responses

STATEMENT OF GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

25 The present application was filed on February 25, 2004 with claims 1
through 23. Claims 1 through 23 are presently pending in the above-identified patent
application. Claims 1-23 are rejected under 35 U.S.C. §103(a) as being unpatentable
over Robinson et al. (A framework for interacting with paper, Eurographics'97, Volume
16, Number3 – [www.cl.cam.ac.uk/Research/Origami/Origami1997c/index.html]) in
view of Moran et al. (United States Patent No. 6,326,946).

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ARGUMENTS

Rejection of Independent Claims 1, 10, 12, 13, 20 and 23

35 Independent claims 1, 10, 12, 13, 20, and 23 were rejected under 35
U.S.C. §103(a) as being unpatentable over Robinson in view of Moran. Regarding claim
1, the Examiner acknowledges that Robinson does not teach, but asserts that Moran
teaches, “determining a position of a point pressed on a touch foil, the touch foil being
placed and aligned over or under the identified page of the physical document” (col. 6,
lines 13-19) and identifying and accessing a service with a selected marked item (col. 2,
line 50, to col. 3, line 3)

Each of Applicant's independent claims requires the limitations of determining a position of a point pressed on a touch foil, the touch foil being placed and aligned over or under the identified page of the physical document, the identified page comprising one or more marked items, and the touch foil being pressed at a point 5 corresponding to a selected marked item.

Applicants note that Moran is directed to a physical information collage composed of components, such as documents, and operator icons "which may be used to provide digital services." See, for instance, Abstract of Moran. While a document may be identified by the system as an object to operate on, Moran does *not* teach that an *item within the document* can be identified and/or used by the system. The Examiner points to 10 col. 5, line 16, for the assertion that "Moran shows that individual textual material and graphics, which are the main components of a document, may be selected." In the cited text (col. 5, lines 10-29), Moran text states the following:

15 Collage components can include physical artifacts 32 positioned at defined spatial locations on the surface 30 (board 31 as shown). Physical artifacts 32 are typically documents 40 that may include but are not limited to paper based textual documents 41, small electronic display screens 36, or textual material 46 or graphical material 47 written directly on surface 30. Physical artifacts may also include wall mounted 20 containers 38 having signaling lights 39, or attachable symbolic icons such as arrow 42. As will be appreciated, physical artifacts 32 typically include the various documents, notecards, calendars, task schedules, phone number lists, project proposals, informational flyers, meeting announcements, photographs, maps, keys, or magnetic icons commonly 25 used to organize or disseminate information for individuals or groups. The physical artifacts can be permanently or detachably affixed by pins, clips, adhesives, strings, or other fixatives to the surface 30, or may be simply rest upon the surface 30 in suitable embodiments (e.g. a tabletop surface).

30 Applicants read this cited text in Moran as indicating that textual material or graphical material can be a physical artifact, but Applicants submit that there is no indication in the cited text that items within a physical artifact can be used. Even if Moran can be considered to use a touch foil (and Applicants submit Moran does *not* disclose a touch foil), Moran appears to determine position of physical artifacts 32 on the surface 30. By 35 contrast, the present invention is directed toward determining marked items within identified pages of identified physical documents.

Furthermore, Applicants' independent claims require "the touch foil being placed *and aligned* over or under the identified page of the physical document." In Moran, a user can move any physical artifact 32 to any position. Applicants respectfully submit that whatever "alignment" exists in Moran for a particular physical artifact 32 5 would be incorrect as soon as the document is moved, and Moran appears not to place any restrictions on movement of physical artifacts 32. In fact, Applicants respectfully submit that there is no alignment required in Moran between a touch foil and an identified page of a physical document. Conversely, Applicants' independent claims require that a touch foil is aligned over or under an identified page of the physical 10 document.

Because neither Robinson nor Moran disclose the limitations of "determining a position of a point pressed on a touch foil, the touch foil being placed and aligned over or under the identified page of the physical document, the identified page comprising one or more marked items, and the touch foil being pressed at a point 15 corresponding to a selected marked item," Applicants respectfully submit independent claims 1, 10, 12, 13, 20, and 23 are patentable over Robinson or Moran, alone or in combination.

Additionally, Applicants respectfully submit that one skilled in the art would *not* combine Robinson and Moran. Applicants' independent claims have 20 limitations of identifying a selected marked item of an identified page of a physical document by referring to a hyperlink table. Regarding hyperlinks, Moran states the following (col. 7, line 57 to col. 8, line 5 of Moran):

To better illustrate operation of the present invention, consider an example scenario in which a team needs to review a web site 25 they are constructing. To provide visual, readily alterable feedback, the team prints out 12x9 inch paper sheets illustrating pages from the web site. These are tacked on a wall to form an information collage board 31 such as discussed in connection with FIG. 1. The sheets are identified by cameras positioned near the board. *To make hypertext links, the team can use tack and strings to indicate hyperlinks* During team discussions, it is 30 decided to alter the link structure and add a couple of new pages. The tack held strings are moved to indicate the link changes, while a couple of blank cards are tacked up to represent the new pages, with the content of those pages scribbled on the blank cards. String links to them are made to 35 tie them into the web site.

As the cited text indicates, Moran teaches to use *tack and strings to indicate hyperlinks* as opposed to identifying a selected marked item of an identified page of a physical document by referring to a hyperlink table. For sake of argument, even if Robison teaches using hypertext or hyperlinks in reference to a “selected item of an identified page of a physical document,” Moran teaches completely different techniques for indicating and using hyperlinks. Therefore, one skilled in the art would not be motivated to combine Robinson and Moran.

In the Response to Arguments section of the final Office Action, the Examiner asserts that the feature upon which Applicant relies (i.e., “an item within the document can be identified and/or used by the system as an operator icon”) is not positively recited in rejected claims 1, 10, 12, 13, 20, and 23.

Applicants note that Moran does not disclose or suggest that “an item within the document can be identified and/or used by the system” and, in the language of the cited claims, Moran does not disclose or suggest a touch foil being pressed at a point corresponding to a selected marked item where the marked item is comprised in an identified page of a physical document.

On page 20, middle paragraph, and page 23, middle paragraph, of the final Office Action, the Examiner asserts that Robinson discloses the cited limitations, but then cites passages from Moran. Applicants assume the Examiner meant to assert that Moran discloses the cited limitations.

The Examiner also asserts that “it would have been obvious and desirable to use a touch foil to locate electronically the marked positions on the paper because the touch foil can achieve a high degree of accuracy in determining the positions of the marks.” (Page 20, last paragraph; emphasis added.)

Applicants could find no teaching in the cited art that a “*touch foil can achieve a high degree of accuracy in determining the positions of the marks*” and maintain that, even if such a statement were well known, a person of ordinary skill in the art would *not* be motivated, in light of the cited art, to combine Robinson and Moran. Applicants also note that a combination of Robinson and Moran would *not* result in the present invention, as claimed, nor would it make the claimed invention obvious.

The Examiner asserts that Moran discloses “putting a person icon next to a task card can assign the task to the person and e-mail a reminder to the person,” and asserts that the implicit actions on the board of the information collage will generally require the system to recognize and interpret spatial relationships (e.g., adjacency, 5 alignment, enclosure) among collage components, diagrammatic annotations, manual gestures, or other modes of interactions with the collage.

Applicants respectfully disagree that the implicit actions on the board of the information collage will generally require the system to recognize and interpret spatial relationships (e.g., adjacency, alignment, enclosure) among collage components 10 In particular, Applicants do not believe that an “alignment,” as used in the context of the present invention, is an inherent action of Moran. In any case, Applicants respectfully submit that Robinson and Moran, alone or in combination, fail to teach “the touch foil being placed and aligned over or under the identified page of the physical document”

Applicants respectfully submit that independent claims 1, 10, 12, 13, 20, 15 and 23 are patentable over Robinson or Moran, alone or in combination, and request the rejection of the independent claims under 35 U.S.C. §103(a) be withdrawn

Conclusion

The rejections of the cited claims under section 103 in view of Robinson and Moran, alone or in any combination, are therefore believed to be improper and 20 should be withdrawn. The remaining rejected dependent claims are believed allowable for at least the reasons identified above with respect to the independent claims.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

25 The Examiner’s attention to this matter is appreciated.

Respectfully submitted,



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